

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Case No. 1:20-cr-104

Plaintiff,

v.

Hon. Paul L. Maloney

MARTIN DALE OSBORN

Defendant(s).

**GOVERNMENT'S
INITIAL PRETRIAL CONFERENCE
SUMMARY STATEMENT**

I. DISCOVERY

A. Statements of Defendant

1. Oral Statements (Rule 16(a)(1)(A))

☐

There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).

☒

There are the following written records of oral statements:

FBI 302 - Non-custodial interview 7/7/20
FBI 302 - Custodial interview 7/16/20 (pending)

The substance of which

☐

has been disclosed to defense counsel.

☒

will be disclosed to defense counsel by July 24, 2020.

2. Written or Recorded Statements (Rule 16(a)(1)(B))

☐

There are no written or recorded statements or grand jury testimony of defendant.

☒

There are the following written or recorded statements or grand jury testimony:

Recorded threat message (voice mail), 6/29/20
Audio recording - FBI interview 7/7/20
Audio recording - FBI interview 7/16/20

All written or recorded statements

☐

have been disclosed to defense counsel.

☒

will be disclosed to defense counsel by July 24, 2020.

B. Defendant's Prior Record (Rule 16(a)(1)(D))

- ☐ The Government has made due inquiry and is not aware of any prior criminal record.
- ☐ The Government has disclosed defendant's prior criminal history.
- ☒ The Government is now making inquiry into defendant's prior criminal history. The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects (Rule 16(a)(1)(E))

- ☐ The Government has no documents, tangible objects, or physical evidence required to be disclosed.
- ☒ The Government has the following documents, tangible objects, and physical evidence:
- ☐ Drug Paraphernalia ☐ Drug Records ☐ Inventory (attached)
- ☐ Controlled Substances: _____
- ☐ Records: _____ Verizon subscriber and cell-site location
- ☐ Firearms: _____
- ☐ Other: _____
- ☐ The Government voluntarily notifies the defendant of the following search warrants issued and the warrant returns:
- ☐ State
- ☐ Federal:
- Case No. _____ Re: _____
- Case No. _____ Re: _____
- Case No. _____ Re: _____
- ☐ They have been made available for inspection and copying by defense counsel.
- ☒ Defense counsel should make arrangements with:
- SA Tom Plantz (FBI) or AUSA Nils Kessler

D. Reports of Examinations and Tests (Rule 16(a)(1)(F))

- ☐ The Government has no reports of examinations or tests required to be disclosed by Rule 16.
- ☒ The Government has or expects to have reports of the following examinations and tests:
- ☐ Drug Analysis ☐ Handwriting ☐ Fingerprints
- ☐ DNA ☐ Firearms/Nexus ☐ Gun Operability
- ☐ Computer Forensics ☒ Other: _____ Cell site location

E. Reciprocal Discovery

- ☒ The Government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

- ☐ The Government does not presently intend to introduce 404(b) evidence.
- ☒ The Government does presently intend to introduce the following 404(b) evidence:

Currently searching for other threatening communications to Congress or other public officials, which will be disclosed upon receipt.

- ☐ The Government will provide pretrial notice of 404(b) evidence by _____.

G. Other Discovery Matters

II. TRIAL

A. The Government requests a ☒ jury ☐ non-jury trial.

B. The length of trial excluding jury selection is estimated at 1 day.

III. MISCELLANEOUS

The parties acknowledge that if the case is appropriate for expedited resolution, a joint motion for expedited sentencing shall be filed within 14 days of arraignment.

- ☒ The Government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.
- ☐ The Government is aware of the following potential conflicts:

- ☒ Government's plea negotiation policy:

No consideration for pleas entered less than two weeks before final pretrial conference.

Date July 16, 2020

Nils R. Kessler
Counsel for the United States